

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MASSACHUSETTS**

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VINCENT De GIOVANNI et al,  
and all others similarly situated,

Plaintiffs,

v.

JANI-KING INTERNATIONAL, INC.,  
JANI-KING, INC., and  
JANI-KING OF BOSTON, INC.,

Defendants.

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Civil Action No. 07-10066-MLW

**PLAINTIFFS' ASSENTED-TO MOTION TO CONSOLIDATE**

In conjunction with Plaintiffs' request for preliminary approval of the proposed class action settlement, Plaintiffs hereby request that the Court consolidate this action with a later-filed case, Shanley et al v. Jani-King International, Inc. et al, C.A. No. 12-12146-FDS. As explained at the preliminary approval hearing, the Shanley case was filed in 2012, raising identical claims to this case, but purporting to cover a later class period than this case.<sup>1</sup>

This case was certified as a class action in 2009. In 2012, the parties had discussions regarding the period of time covered by the class certification order in this case. Because this case was certified up to the date of certification in 2009, Plaintiffs filed a new case, the Shanley case, to cover the time period following 2009. Plaintiffs

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<sup>1</sup> The Court directed the parties to submit this motion to consolidate by March 25, 2014. Counsel respectfully request that the Court accept this filing one day late. Counsel for the parties have been in court hearings, mediation, depositions, and traveling over the last several days, and were not able to finalize the revised documents until today.

chose not to simply move to extend the class period in this case because Defendants took the position that the claims in this case would not be subject to mandatory treble damages because this case was filed prior to the Massachusetts Legislature's amendment in 2008 to Mass. Gen. L. c. 149 § 150, which made treble damages mandatory for a wage act case. After the Shanley case was filed, Defendants moved to consolidate the Shanley case with the case, or stay it pending the disposition of this case.

Because the parties have now reached a proposed settlement of both this case and the Shanley case, it would be more efficient and convenient for that settlement to be considered for approval by one judge rather than two. Moreover, this Court is more intimately familiar with this case, having presided over it for a number of years.

Thus, Plaintiffs request, and Defendants assent to the consolidation of this action with the Shanley action.

Respectfully Submitted,

VINCENT De GIOVANNI et al,  
and all others similarly situated,

By their attorneys,

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan, BBO # 640716  
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DATED: March 26, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that on March 25 2014, a copy of this document was served by electronic filing on all counsel of record.

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan, Esq.